

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

JAMES SAUNDERS
and TENESHIA BONDS,

Plaintiffs

v.

Civil Case No. 1:21-cv-_____

SHAW'S SUPERMARKETS, INC.,

Defendant

NOTICE OF REMOVAL
AND DEMAND FOR JURY TRIAL

Please take notice that pursuant to 28 U.S.C. §§1441 and 1446, Defendant Shaw's Supermarkets, Inc. ("Shaw's"), by and through its attorneys, Jackson Lewis P.C., hereby removes this action from the Superior Court of the State of New Hampshire, Cheshire County, to the United States District Court for the District of New Hampshire. In support of this Notice of Removal, Shaw's states as follows:

1. By Complaint filed on or about June 11, 2021, Plaintiffs James Saunders and Teneshia Bonds instituted claims against Defendant in the Cheshire County Superior Court, alleging discrimination based on sex, age, disability and/or race. In accordance with 28 U.S.C. § 1446(a), true and correct copies of the Summons and Complaint are attached hereto as Exhibit 1, certified copies of which will be forwarded upon receipt of the state court record from the Cheshire County Superior Court.

2. Pursuant to 28 U.S.C. § 1446(a), this notice of removal is timely filed within thirty (30) days of July 6, 2021, the date on which counsel for Shaw's first received the Complaint and Summons.

3. Shaw's has not served any answer or responsive pleading to the Complaint, nor made any appearance or argument before the state court.

4. This Court has original jurisdiction over this action pursuant to 28 U.S.C. §1331 and/or 28 U.S.C. §1332(a)(1) and §1441(a). This action may be removed to this Court by Defendant because there is a federal question and/or because complete diversity exists between the parties.

5. Specifically, Plaintiffs are alleging violations of the Age Discrimination in Employment Act ("ADEA"), the Americans with Disabilities Act ("ADA"), Title VII of the Civil Rights Act, as well as other claims pursuant to state law.

6. Upon information and belief, the amount in controversy exceeds \$75,000, exclusive of interests and costs, and there exists complete diversity of citizenship between the parties in that:

i. Plaintiffs are now, and were when this action was commenced, residents of the State of New Hampshire.

ii. Defendant Shaw's Supermarkets, Inc. is a domestic profit corporation with a principal place of business in the Commonwealth of Massachusetts.

iii. Plaintiffs have made a demand in excess of \$75,000, thereby satisfying the amount in controversy requirement under 28 U.S.C. §1332(a)(1).

7. Shaw's submits this Notice without waiving any defenses to the claims asserted by Plaintiffs or conceding that Plaintiffs has pled claims upon which relief can be granted.

8. As this action could have been commenced in this Court, removal is proper. 28 U.S.C. §1441(a). Furthermore, this Court may exercise supplemental jurisdiction over the Plaintiffs' state law claims. See 28 U.S.C. §1367(a).

Respectfully Submitted,

SHAW'S SUPERMARKETS, INC.,
By its attorneys,
JACKSON LEWIS P.C.,

Date: August 4, 2021

By: /s/ Martha Van Oot
Martha Van Oot, NH Bar #963
100 International Drive, Suite 363
Portsmouth, NH 03801
603.559.2700
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Certificate of Service

I hereby certify that copies of the foregoing were this day served on pro se Plaintiffs James Saunders and Teneshia Bonds via first class mail to 191 Key Rd., Apt. 11, Keene, NH 03431 and via the Court's ECF system.

Date: August 4, 2021

By: /s/Martha Van Oot
Martha Van Oot